

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re national phase application of)
Dionisio Rio Simoes)
Appln. No. : TBA)
Patent No. : 6,045,360)
For : INSTRUMENT FOR MEDICAL OR)
DENTAL TREATMENT OF CHILDREN)

DECLARATION

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I, Felix J. D'Ambrosio, declare as follows:

I am a registered patent attorney and a shareholder in the professional corporation
of JONES, TULLAR & COOPER, P.C.

On August 17, 1998, I received instructions from Prof. Dr. Uwe Dreiss of the firm
of DREISS, FUHLENDORF, STEIMLE & BECKER to initiate the filing of a U.S. national
phase application for PCT/EP96/04945, published as WO 98/20804. A copy of the authorizing
letter is attached to the Declaration of Prof. Dr. Uwe Dreiss.

On August 18, 1998, the U.S. national phase application was filed under 35 USC
111. A copy of our letter reporting the filing to Prof. Dr. Uwe Dreiss is attached to Dr. Dreiss'
Declaration.

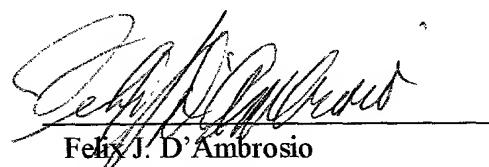
On June 5, 2000, I received a letter from Prof. Dr. Uwe Dreiss advising that the
filing date of the international application was not indicated on the face of the patent. A copy of
this letter is attached to Dr. Dreiss' Declaration.

I then wrote to Dr. Dreiss on June 6, 2000 and received his note of June 8, 2000 indicating that the German patent was granted on October 30, 1996 and published on April 24, 1997. A copy of the letter of June 6 and note of June 8, 2000 are attached to Dr. Dreiss' Declaration.

It is clear that to have obtained the filing date of the PCT/EP96/04945 application would have required that the U.S. national application be filed under 35 USC 371 and not 35 USC 111 with a petition to revive. The recommendation to proceed under 35 USC 111 was made without knowledge of the publication of the German patent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 1/19/2001



Felix J. D'Ambrosio
Felix J. D'Ambrosio
Reg. No. 25,721

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of)
Dionisio Rio SIMOES)
Appln. No. : TBA)
Patent No. : 6,045,360)
For : INSTRUMENT FOR THE MEDICAL)
OR DENTAL TREATMENT OF)
CHILDREN)

DECLARATION

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I, Prof. Dr. Uwe Dreiss, declare as follows:

I am the German patent attorney (patentanwalt) authorized by Mr. Dionisio Rio Simoes to file a U.S. patent application corresponding with PCT/EP96/04945 (hereinafter the '945 application).

In keeping with this authorization, I instructed the U.S. firm of Jones, Tullar & Cooper, P.C. to enter the national phase in the U.S. for this application. A copy of my authorizing letter of 17 August 1998 is attached.

Our U.S. associate responded on August 18, 1998 that the application was filed under 35 USC 111 rather than 35 USC 371. A copy of this letter is attached.

When the Letters Patent 6,045,360 was received by our office I noticed that the face of the patent did not mention the '945 application. I then communicated this fact to our U.S.

associates by letter of June 2, 2000. A copy of this letter is attached.

Our U.S. associate responded by letter of June 6, 2000, a copy of which is attached. It was only upon receipt of this letter that I became aware of the fact that the U.S. filing did not relate back to the '945 application.

In reply to this letter from our U.S. associate, I transmitted a note to the U.S. associate informing them of the granting of the corresponding German patent on October 30, 1996 and its publication on April 24, 1997. A copy of this note is attached.

Respectfully submitted


Prof. Dr. Uwe Dreiss

Date: September 1, 2000